

ERSKINE & TULLEY
A PROFESSIONAL CORPORATION
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE SHEET METAL)	NO. C 04 4999 MJJ
WORKERS HEALTH CARE PLAN OF NORTHERN)	
CALIFORNIA, SHEET METAL WORKERS)	
PENSION TRUST OF NORTHERN)	
CALIFORNIA, SHEET METAL WORKERS)	<u>STIPULATION FOR</u>
LOCAL 104 VACATION, HOLIDAY SAVINGS)	<u>JUDGMENT</u>
PLAN, ANTHONY ASHER, TRUSTEE,)	
)	Granted
Plaintiffs,)	
)	
vs.)	
)	
WESTERN PLUMBING & HEATING CO.,)	
etc.,)	
)	
)	
Defendant.)	

IT IS HEREBY STIPULATED and agreed by and between plaintiffs
BOARD OF TRUSTEES OF THE SHEET METAL WORKERS HEALTH CARE PLAN OF
NORTHERN CALIFORNIA, SHEET METAL WORKERS PENSION TRUST OF NORTHERN
CALIFORNIA, SHEET METAL WORKERS LOCAL 104 VACATION, HOLIDAY SAVINGS
PLAN; ANTHONY ASHER, TRUSTEE, through their attorneys, and defendant,
WESTERN PLUMBING & HEATING CO., a California corporation, that
Plaintiffs have and recover judgment from Defendant in the amount of
\$53,797.44, which amount is composed of the following:

1. Liquidated damages due and unpaid to the Plaintiff Trust

Funds for the months of September through December 2004 and February 2005 on Employer Numbers 388827/104 and 388825/666 in the total amount of \$50,241.05;

2. Interest due pursuant to contract in the amount of \$3,356.39; and

3. Costs of suit incurred in this action in the amount of \$200.00.

IT IS FURTHER STIPULATED and agreed that no action shall be taken to enforce this judgment prior to September 10, 2006 because the plaintiff trustees have agreed to defer a decision on a waiver of liquidated damages for a period of 12 months. At the end of that period the Trustees will, in their sole discretion, consider a waiver of some or all of the liquidated damages in this judgment.

Defendant, WESTERN PLUMBING & HEATING CO., a California corporation, is not represented by counsel and has been advised to seek the advice of counsel before signing this stipulation for judgment.

IN WITNESS WHEREOF, plaintiffs' attorney and defendant have executed this Stipulation for Judgment this 7TH day of September, 2005.

WESTERN PLUMBING & HEATING CO., a California corporation

By: /s/Mark L. Mlurry

Print Name: Mark L. Mlurry

Corporate Title: Vice President

ERSKINE & TULLEY

By: /s/Michael J. Carroll

Michael J. Carroll
Attorneys for Plaintiffs



9/15/2005